

Senate File 2230 - Introduced

SENATE FILE 2230
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3026)

A BILL FOR

1 An Act relating to kidnapping in the second degree, and
2 providing penalties.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 710.3, Code 2018, is amended to read as
2 follows:

3 **710.3 Kidnapping in the second degree.**

4 1. Kidnapping where the purpose is to hold the victim
5 for ransom, ~~or~~ where the kidnapper is armed with a dangerous
6 weapon, or where the victim is under eighteen years of age
7 other than a kidnapping by a parent or legal guardian whose
8 sole purpose of the kidnapping is to assume custody of a victim
9 under eighteen years of age, is kidnapping in the second
10 degree. Kidnapping in the second degree is a class "B" felony.

11 2. For purposes of determining whether the person should
12 register as a sex offender pursuant to the provisions of
13 chapter 692A, the fact finder shall make a determination as
14 provided in [section 692A.126](#).

15 EXPLANATION

16 The inclusion of this explanation does not constitute agreement with
17 the explanation's substance by the members of the general assembly.

18 This bill relates to kidnapping in the second degree. The
19 criminal offense of kidnapping is defined in Code section
20 710.1.

21 Under the bill, a person commits kidnapping in the second
22 degree when the victim is under 18 years of age, except that
23 it is not kidnapping in the second degree when the kidnapping
24 is by a parent or legal guardian whose sole purpose of the
25 kidnapping is to assume custody of the victim under 18 years
26 of age. Currently, a person commits kidnapping in the second
27 degree when a person kidnaps another person and holds that
28 person for ransom or when the kidnapper is armed with a
29 dangerous weapon.

30 A person who commits kidnapping in the second degree commits
31 a class "B" forcible felony. A person who commits a forcible
32 felony is ineligible to receive a deferred judgment or sentence
33 or suspended sentence under Code section 907.3.

34 A class "B" felony is punishable by confinement for no more
35 than 25 years. A person who commits kidnapping in the second

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1 degree accumulates reduced earned time under Code section
2 903A.2 and must serve a minimum sentence of at least 70 percent
3 of the sentence prior to being eligible for parole.

4 A person who commits kidnapping in the second degree under
5 the bill must also register as a tier III sex offender under
6 Code chapter 692A if a determination is made that the offense
7 was sexually motivated.